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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14
15 vs.
16 MOSESE TAUNAHOLO,
Defendant.

3:15-CR-00004-HDM-VPC

STIPULATION TO CONTINUE
PRETRIAL MOTIONS AND TRIAL

(Third Request)¹

17 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
18 United States Attorney, and Brian L. Sullivan, Assistant United States Attorney, counsel for the
19 United States of America, and Rene L. Valladares, Federal Public Defender, and Biray K. Dogan,
20 Assistant Federal Public Defender, counsel for MOSESE TAUNAHOLO, that the calendar call
21 currently set for July 28, 2015 at 9:30 a.m., be vacated and continued to **November 18, 2015 at**
22 **9:30 a.m.** and the trial currently scheduled for August 18, 2015 at 9:00 a.m., be vacated and
23 continued to **December 07, 2015 at 9:00 a.m.**

24 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
25 the parties herein shall have to and including **October 23, 2015**, to file any and all pretrial motions
26 and notices of defense.

27
28 ¹This will be the defendant's second request to continue the trial date. The defendant's first request concerned only the deadline regarding the motion dates, and did not request to advance the trial date. *See* Stipulation to Continue Motion Dates Only (Dkt. #19).

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
2 the parties herein shall have to and including **November 06, 2015**, to file any and all responses to
3 such motions.

4 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that
5 the parties herein shall have to and including **November 13, 2015**, to file any and all replies to the
6 responsive briefs.

7 This Stipulation is entered into for the following reasons:

8 1. Defense counsel in this matter started his position at the Federal Public
9 Defender's Office on July 07, 2014. The issues presented in this case are issues of first impression
10 for defense counsel. Defense counsel must conduct a through review of his client's immigration file
11 (A-file). The A-file in this matter consists of 765 pages. It is critical to conduct a thorough review
12 of the A-file to determine whether any issues exist in which defense counsel can mount legal
13 challenges to any impropriety in the immigration proceedings against his client. Moreover, it is
14 equally critical to become competent in both statutory and case law that concern issues regarding
15 issues of deportation. Therefore, defense counsel needs additional time to provide effective
16 assistance of counsel pursuant to the Sixth Amendment guarantee to consult with counsel
17 specializing in immigration law to grasp the interconnection of immigration law and criminal law
18 as presented by this prosecution.

19 2. Defense counsel will also need additional time within which to prepare for
20 the jury trial in this matter. Such preparation will consist of determining what motions to bring
21 before and during the course of the trial, the filing of motions in limine, and to formulate defense
22 theory. Further, defense counsel requires additional time to consult with his client with the benefit
23 of a Tongan interpreter. Mr. Taunaholo speaks little English, his native language is Tongan. The
24 interpreter in this case resides in the State of California, and must commute to Reno to meet with
25 defense counsel and Mr. Taunaholo at the Washoe County jail. Defense counsel requires the
26 assistance of the Tongan interpreter each time when he discusses matters which concern important
27 legal issues surrounding his client's case. It is imperative that defense counsel thoroughly discuss
28 defense strategy, legal tactics, and whether Mr. Taunaholo will take the stand at his trial. Should Mr.

1 Taunaholo decide to take the stand then defense counsel must adequately prepare him for direct and
2 cross examination.

3 3. The defendant is incarcerated but does not object to the continuance.

4 4. The parties agree to the continuance.

5 5. The additional time requested herein is not sought for purposes of delay, but
6 merely to allow counsel for the defendant sufficient time to complete negotiations toward a
7 resolution of this matter. Or in the alternative, prepare for trial, taking into account the exercise of
8 due diligence.

9 6. The additional time requested by this Stipulation is excludable in computing
10 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
11 United States Code Section 3161(h)(7)(A), considering the factors under Title 18, United States
12 Code, Sections 3161(h)(7)(B)(i) and 3161 (h)(7)(B)(iv), in that failure to grant this continuance
13 would result in a miscarriage of justice by denying counsel for the Defendant reasonable time
14 necessary for effective preparation, taking into account the exercise of due diligence.

15 This is the Third request for a continuance filed herein.

16 DATED this 27th day of July, 2015

17
18 RENE L. VALLADARES
19 Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

20
21 By: /s/ Biray K. Dogan
22 BIRAY K. DOGAN,
23 Assistant Federal Public Defender
24 Counsel for Mosese Taunaholo

By: /s/ Brian L. Sullivan
BRIAN L. SULLIVAN
Assistant United States Attorney
Counsel for Plaintiff

25 I agree to the above continuance.

26 By: Mosese Taunaholo
27 MOSESE TAUNAHOLO
28

ORDER

IT IS HEREBY ORDERED that time from August 18, 2015 to **December 07, 2015**, the new trial date, is excluded in computing the time within which the trial in the above-captioned case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (iv) for the above-stated reasons, including without limitation that the ends of justice would best be served by this continuance of the trial date.

IT IS FURTHER ORDERED that the trial currently scheduled for August 18, 2015, at the hour of 9:00 a.m., be vacated and continued to **December 07, 2015 at 9:00 a.m.** with calendar call currently scheduled for July 28, 2015 at 9:30 a.m. to be continued until **November 18, 2015 at 9:30 a.m.** Pretrial motions and notices of defenses due on or before **October 23, 2015**; Responses due on or before **November 06, 2015** and Replies due on or before **November 13, 2015**.

The Court finds the need for this continuance outweighs the defendant's and the public's right to a speedy trial.

IT IS SO ORDERED this _____ day July, 2015.

HOWARD D. MCKIBBEN
UNITED STATES DISTRICT JUDGE